



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, बीरवार, 22 फरवरी, 1962/3 फाल्गुन, 1883

HIMACHAL PRADESH ADMINISTRATION

ELECTION DEPARTMENT

NOTIFICATION

Simla-4, the 6th January, 1962

No. 4-9/61-Elec.—The Territorial Councils (Election of Members) Rules, 1962, as framed by the Government of India, Ministry of Home Affairs and already published in the Gazette of India Extraordinary, Part II, section 3(i), dated the 1st January, 1962 are hereby re-published in the Himachal Pradesh Administration Gazette for general information.

K. B. SRIVASTAVA,

Secretary.

MINISTRY OF HOME AFFAIRS

NOTIFICATION

G.S.R.—In exercise of the powers conferred by section 20 and section 56 of the Territorial Councils Act, 1956 (103 of 1956), and in supersession of the Territorial Councils (Election of Members) Rules, 1957, the Central Government hereby makes the following rules, namely:—

PART I—PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Territorial Councils (Election of Members) Rules, 1962.

(2) They shall come into force at once.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Territorial Councils Act, 1956 (103 of 1956);
- (b) 'ballot box' includes any box, bag or other receptacle used for the insertion of ballot papers by electors;
- (c) 'chief electoral officer' means the officer appointed under section 13A of the Representation of the People Act, 1950 (43 of 1950);
- (d) 'corrupt practice' means any of the practices specified by these rules as a corrupt practice;
- (e) 'election' means an election to fill a seat in any Territorial Council;
- (f) 'Election Commission' means the Election Commission appointed by the President under article 324 of the Constitution;
- (g) 'elector' in relation to a constituency means a person whose name is entered in the electoral roll for that constituency for the time being in force and who is not subject to any disqualification for voting;
- (h) 'electoral registration officer' means the officer appointed under section 13B of the Representation of the People Act, 1950 (43 of 1950);
- (i) 'electoral roll number of a person' means—
 - (i) the serial number of the entry in the electoral roll in respect of that person;
 - (ii) the serial number of the part of the electoral roll in which such entry occurs;
 - (iii) the name of the parliamentary constituency to which the electoral roll relates; and
 - (iv) the number and name of the Territorial Council constituency to which the electoral roll relates;
- (j) 'Form' means a form appended to these rules;
- (k) 'section' means a section of the Act.

(2) For the purposes of these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or Presiding Officer or such other officer as may be specified in this behalf by the Chief Electoral Officer and such officer on being satisfied as to his identity has attested the mark as being the mark of that person.

PART II—SUPERINTENDENCE OF ELECTIONS AND ADMINISTRATIVE MACHINERY

3. *Superintendence and control of elections.*—Subject to the superintendence, direction and control of the Election Commission, the Chief Electoral Officer shall supervise—

- (a) the preparation of electoral rolls for the constituencies; and
- (b) the conduct of elections to the Territorial Council.

4. *Preparation of electoral rolls.*—The Electoral Registration Officer of each parliamentary constituency shall split up one copy of the electoral roll thereof, into several parts for the purpose of constituting them into the electoral rolls for the Territorial Council constituencies comprised within that parliamentary constituency.

5. *Returning Officers.*—For every constituency the Administrator shall designate or nominate a returning officer who shall be an officer of Government:

Provided that nothing in this rule shall prevent the Administrator from designating or nominating the same person to be the returning officer for more than one constituency.

6. *Assistant returning officers.*—(1) The Administrator may appoint one or more persons to assist any returning officer in the performance of his functions:

Provided that every such person shall be an officer of Government.

(2) Every Assistant returning officer shall, subject to the control of the returning officer, be competent to perform all or any of the functions of the returning officer:

Provided that no assistant returning officer shall perform any of the functions of the returning officer which relate to the scrutiny of nominations unless the returning officer is unavoidably prevented from performing the said functions.

7. *Duties of the returning officers.*—It shall be the general duty of the returning officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules or orders made thereunder.

8. *Polling Stations for constituencies.*—The returning officer shall, with the previous approval of the chief electoral officer, provide a sufficient number of polling stations for each constituency and shall publish in such manner as the chief electoral officer may direct, a list showing the polling stations so provided and the polling areas or groups of voters for which they have respectively been provided.

9. *Presiding officers for polling stations.*—(1) The returning officer shall, subject to any general or special directions of the chief electoral officer, appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that if a polling officer is absent from polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the returning officer accordingly.

(2) If the presiding officer is, owing to illness or other unavoidable cause, obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the

returning officer to perform such functions during any such absence.

10. General duty of the presiding officers.—It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken.

11. Duties of a polling officers.—It shall be the duty of the polling officers at a polling station to assist the presiding officer for such station in the performance of his functions.

PART III—CONDUCT OF ELECTIONS

CHAPTER I—NOMINATION OF CANDIDATES

12. Appointment of dates for nomination of candidates etc.—As soon as the notification for the election is issued by the Administrator under section 10, he shall, by notification published in such manner as he thinks fit, appoint—

- (a) the last date for making nominations, which shall be the seventh day after the date of publication of the first mentioned notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (b) the date for the scrutiny of nominations, which shall be the second day after the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (c) the last date for the withdrawal of candidatures which shall be the third day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall, be a date not earlier than the twentieth day after the last date for the withdrawal of candidatures; and
- (e) the date before which the election shall be completed.

Explanation.—In this rule, 'public holiday' means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881), or any day which has been notified by the Administrator to be a holiday for the Government offices in the Union Territory.

13. Public notice of election.—On the issue of a notification under rule 12, the returning officer for the constituency shall give public notice of the intended election in Form 1 which shall be published in such manner as he thinks fit.

14. Symbols.—(1) The chief electoral officer shall specify by notification in the Official Gazette the symbols that may be chosen by candidates and the restrictions to which their choice shall be subject.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols, made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration under rule 21 even if that nomination paper has been rejected.

(3) A failure to complete, or a defect in completing the declaration as to symbols in a nomination paper shall not be deemed to be a defect of a substantial character within the meaning of sub-rule (4) of rule 19.

15. Nomination of candidates for election.—Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Act.

16. Presentation of nomination paper and requirements for a valid nomination.—(1) On or before the date appointed under clause (a) of rule 12 each

candidate shall, either in person or by his proposer, between the hours of 11 o'clock in the forenoon and 3 o'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under rule 13 a nomination paper completed in Form 2 and signed by the candidate and by an elector of the constituency as proposer.

(2) In a constituency in Himachal Pradesh where any seat is reserved for the Scheduled Castes, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste of which he is a member.

(3) Where the candidate is a person who, having held any office referred to in clause (f) of section 7 of the Representation of the People Act, 1951 (43 of 1951), has been dismissed and a period of five years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued by the Election Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.

(4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral roll:

Provided that the returning officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral roll, and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(5) Where a candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof, or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the returning officer at the time of scrutiny.

(6) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency.

17. Deposit return or forfeiture of deposits.—(1) A candidate shall not be deemed to be duly nominated unless he deposits or causes to be deposited a sum of fifty rupees:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under this rule.

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been deposited under that sub-rule unless at the time of delivery of the nomination paper under sub-rule (1) of rule 16 the candidate has either deposited or caused to be deposited that sum with the returning officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in a Government Treasury.

(3) If a candidate by whom or on whose behalf the deposit has been made withdraws his candidature within the time specified in rule 12 or if the nomination of any such candidate is rejected, the deposit shall be returned to the person by whom it was made or if such person is dead, to his legal representative.

(4) If a contesting candidate is not elected, and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes

polled, the deposit shall be forfeited to the Central Government.

(5) The deposit shall, where it is not forfeited under sub-rule (4), be returned to the candidate by whom it was made or if he is dead, to his legal representative, after the publication of the result of the election in the Official Gazette.

18. *Notice of nominations and the time and place for their scrutiny.*—The returning officer shall on receiving the nomination paper under sub-rule (1) of rule 16, inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which, and the hour at which, the nomination paper has been delivered to him and shall, as soon as may be, cause to be affixed in some conspicuous place in his office a notice of the nomination in Form 3 containing descriptions similar to those contained in the nomination paper both of the candidate and his proposer.

19. *Scrutiny of nominations.*—(1) On the date fixed for the scrutiny of nominations under rule 12 the candidates and two other persons duly authorised in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all the candidates which have been delivered within the time and in the manner laid down in rule 16.

(2) The returning officer shall then examine the nomination papers and decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely:—

- (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under the Act; or
- (b) that there has been any failure to comply with any of the provisions of rule 16 or rule 17 ; or
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 12 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot, open violence or by causes beyond his control:

Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny; and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this rule, a certified copy of any entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950).

(8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare in Form 4 a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it to his notice board.

20. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by a notice in writing in Form 5 which shall be subscribed by him and delivered before 3 o'clock in the afternoon on the day fixed under clause (c) of rule 12 to the returning officer either by such candidate in person or by his proposer and on receipt of such notice, the returning officer shall note thereon the date and time at which the notice was delivered.

(2) No person who has been given a notice of withdrawal of candidature under sub-rule (1) shall be allowed to cancel the notice.

(3) The returning officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause a notice in Form 6 to be affixed in some conspicuous place in his office.

21. Preparation of list of contesting candidates.—(1) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule (1) of rule 20, the returning officer shall prepare in Form 7 a list of the contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period.

(2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers. The alphabetical order shall be determined with reference to the surnames of the candidates having surnames and the names proper of other candidates.

(3) Where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the chief electoral officer,—

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and

(b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.

(4) The allotment by the returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the chief electoral officer in this behalf in which case the chief electoral officer may revise the allotment in such manner as he thinks fit.

(5) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer.

22. Publication of list of contesting candidates.—(1) The returning officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office and shall also supply a copy thereof to each of the contesting candidates or his election agent.

(2) If a poll becomes necessary under rule 33 the returning officer shall publish the list of contesting candidates in the Official Gazette.

CHAPTER II—AGENTS

23. Election Agents.—A candidate at an election may appoint any one person other than himself to be his election agent in Form 8 and notice of such appointment shall be given to the returning officer by forwarding the Form to him.

24. Revocation of the appointment, or death of an election agent.—(1) Any revocation of the appointment of an election agent shall be in Form 9, shall be signed by the candidate, and shall operate from the date on which it is lodged with the returning officer.

(2) In the event of such revocation or of the death of the election agent before the completion of the election, the candidate may appoint another election agent and notice thereof shall be given to the returning officer as in the case of appointment of the first agent.

25. Functions of election agents.—An election agent may perform such functions in connection with the elections as are authorised by or under these rules to be performed by an election agent.

26. Appointment of polling agents.—(1) A contesting candidate or his election agent may appoint one agent and two relief agents to act as polling agents of such candidate at each polling station and such appointment shall be made in Form 10 which shall be made over to the polling agent for production at the polling station.

(2) No polling agent shall be admitted into the polling station unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (1) after duly completing and signing before the presiding officer the declaration contained therein.

27. Appointment of counting agents.—(1) Any contesting candidate or his election agent may, before the commencement of the counting of votes, appoint, subject to such general or special directions as the chief electoral officer may issue in this behalf not more than sixteen persons to be the counting agents of the candidate.

(2) Every such appointment shall be made in Form 11 one copy of which shall be forwarded to the returning officer while the other copy shall be made over to the counting agent for production at the counting of votes.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the returning officer the second copy of the instrument of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the returning officer an authority for entry into the place fixed for counting.

28. Revocation of the appointment, or death, of a polling agent or counting agent.—(1) Any revocation of the appointment of a polling agent shall be in Form 12, shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the presiding officer, and in the event of such a revocation or of the death of the polling agent before the close of the poll, the candidate or his election agent may appoint another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment to the presiding officer in the manner specified in rule 26.

(2) Any revocation of the appointment of a counting agent shall be in Form 12, shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the returning officer, and in the event of such a revocation or of the death of a counting agent before the commence-

ment of the counting of votes, the candidate or his election agent may appoint another counting agent in accordance with rule 27 at any time before the counting of votes is commenced and shall forthwith give notice thereof to the returning officer.

29. Functions of polling agents and counting agents.—(1) A polling agent may perform such functions in connection with the poll as are authorised by these rules.

(2) A counting agent may perform such functions in connection with the counting of votes as are authorised by these rules.

30. Attendance of a candidate or his election agent at polling stations, and performance by him of the functions of a polling agent or counting agent.—(1) At every election where a poll is taken, each contesting candidate at such election and his election agent shall have a right to be present at any polling station provided for the taking of the poll.

(2) A contesting candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such candidate if appointed, would have been authorised by these rules to do, or may assist any polling agent or the counting agent of such candidate in doing any such act or thing.

31. Non-attendance of polling agents and counting agents.—Where any act or thing is required or authorised by these rules to be done in the presence of polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

CHAPTER III—GENERAL PROCEDURE AT ELECTIONS

32. Death of candidate before poll.—If a contesting candidate dies and a report of his death is received before the commencement of the poll, the returning officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Administrator and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under rule 20 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

33. Contested and uncontested elections.—(1) If the number of the contesting candidates is more than one, a poll shall be taken.

(2) If there is only one contesting candidate, the returning officer shall forthwith declare him to be duly elected to fill the seat.

(3) Where a constituency has failed to elect a person to fill the seat allotted to it, the Administrator shall, by notification in the Official Gazette under section 10, again call upon that constituency to elect a person, if he is satisfied that on being called upon again there will be no such failure on the part of the constituency.

CHAPTER IV—THE POLL

34. Fixing time for poll.—The chief electoral officer shall fix the hours during which the poll will be taken; and the hours so fixed shall be published by notification in the Official Gazette:

Provided that the total period allotted on any one day for polling at an election in a constituency shall not be less than eight hours.

35. Adjournment of poll in emergencies.—(1) If at an election the proceedings at any polling station are interrupted or obstructed by riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the poll to a date to be notified later and shall forthwith inform the returning officer concerned.

(2) Where a poll is adjourned under sub-rule (1) the returning officer shall immediately report the circumstances to the chief electoral officer and shall, as soon as may be, with the previous approval of the chief electoral officer appoint the day on which the poll shall recommence and fix the polling station at which, and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the returning officer shall notify in the Official Gazette the date, place and hours of polling fixed under sub-rule (2).

36. Fresh poll in the case of destruction etc., of ballot boxes.—(1) If at any election,—

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the returning officer shall forthwith report the matter to the chief electoral officer.

(2) Thereupon the chief electoral officer shall, after taking all material circumstances into account, either—

(a) declare the poll at that polling station to be void, appoint a day and fix the hours, for taking afresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he may deem fit, or

(b) if satisfied that the result of afresh poll at that polling station or place will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the returning officer as he may deem proper for the further conduct and completion of the election.

(3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

37. Method of voting.—(1) No person shall vote in any constituency if he is subject to any of the disqualifications referred to in section 16 of the Representation of the People Act, 1950 (43 of 1950).

(2) At every election where a poll is taken votes shall be given by ballot and no votes shall be received by proxy.

(3) All electors voting at an election shall do so in person at the polling station provided for them under rule 8.

(4) No elector shall vote in more than one constituency and if an elector votes in more than one constituency, his votes in all such constituencies shall be void.

(5) No elector shall vote in the same constituency more than once notwithstanding—

standing that his name may have been registered in the electoral roll for that constituency more than once, and if he does so vote, all his votes in that constituency shall be void.

CHAPTER V—VOTING IN CONSTITUENCIES

38. Definitions.—In this Chapter, unless the context otherwise requires—

- (a) “candidate” means a contesting candidate;
- (b) “polling agent” in relation to a polling station, means a polling agent of a candidate duly appointed under rule 26 for the polling station and includes a candidate when present at the polling station.

39. Design of ballot boxes.—Every ballot box shall be of such design as may be approved by the chief electoral officer.

40. Form of ballot papers.—(1) Every ballot paper shall be in such form and the particulars therein shall be in such language or languages as the chief electoral officer may direct.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation residence or in some other manner.

41. Arrangements at polling stations.—(1) Outside each polling station there shall be displayed prominently—

- (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the electors so entitled; and
- (b) a copy of the list of contesting candidates.

(2) At each polling station, there shall be set up two or more compartments in which electors can record their votes screened from observation.

(3) The returning officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, the ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers.

42. Admission to polling station.—The presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

- (a) polling officers;
- (b) candidates, their election agents and subject to the provisions of rule 26 one polling agent of each candidate;
- (c) persons authorised by the chief electoral officer;
- (d) public servants on duty in connection with the election;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or inform elector who cannot move without help; and
- (g) such other persons as the returning officer or the presiding officer may employ under sub-rule (2) of rule 44 or sub-rule (1) of rule 45.

43. Preparation of ballot boxes for poll.—(1) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on

the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper thereinto remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the presiding officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with—

- (a) the serial number, if any, and name of the constituency;
- (b) the serial number and name of the polling station;
- (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and
- (d) the date of poll.

(6) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the presiding officer and the polling agents.

44. Facilities for women electors.—(1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The returning officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and in particular, to help in searching any woman elector in case it becomes necessary.

45. Identification of electors.—(1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors, or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entries in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) In deciding the right of a person to obtain a ballot paper, the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

46. Challenging of identity.—(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made, the presiding officer shall—

- (a) warn the person challenged of the penalty for personation;

- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form 13 ; and
- (d) require him to affix his signature in the said list.

(3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the presiding officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the Government and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

47. Safeguards against personation.—(1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied shall allow his left fore-finger to be inspected by the presiding officer or polling officer, and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left fore-finger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left fore-finger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Where a poll is taken simultaneously in a parliamentary constituency and a Territorial Council constituency, an elector whose left fore-finger has been marked with indelible ink at one such election shall, notwithstanding anything contained in sub-rules (1) and (2), be supplied with a ballot paper for the other election.

(4) Any reference in this rule to the left fore-finger of an elector shall, where the elector has his left fore-finger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the fore-finger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

48. Issue of ballot papers to electors.—(1) Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the chief electoral officer may direct.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall record the serial number thereof against the entry relating to the elector in the copy of the electoral roll set apart for the purpose.

(3) Save as provided in sub-rule (2) no person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

49. *Voting procedure.*—(1) The elector on receiving the ballot paper shall forthwith—

- (a) proceed to one of the voting compartments;
- (b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;
- (d) if required, show to the presiding officer the distinguishing mark on the ballot paper;
- (e) insert the folded ballot paper into the ballot box; and
- (f) quit the polling station.

(2) Every elector shall vote without undue delay.

(3) No elector shall be allowed to enter a voting compartment when another elector is inside it.

50. *Recording of votes of blind or infirm electors.*—(1) If owing to blindness or other physical infirmity, an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon, the presiding officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box.

(2) While acting under this rule the presiding officer shall observe as much secrecy as is possible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

51. *Spoilt and returned ballot papers.*—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt: cancelled" by the presiding officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so returned shall be marked as "Returned: cancelled" by the presiding officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

52. *Tendered votes.*—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be entitled subject to the following provisions of this rule to mark a ballot paper (hereafter in these rules referred to as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 14.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be—

- (a) serially the last in the bundle of ballot papers issued for use at the polling station; and
- (b) endorsed on the back with the words "tendered ballot paper" by the presiding officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the presiding officer, who shall place it in a cover specially kept for the purpose.

53. Closing of poll.—(1) The presiding officer shall close a polling station at the hour fixed in that behalf under rule 34 and shall not admit thereto any elector after that hour:

Provided that all electors present within the polling station before it is closed shall be entitled to cast their votes.

(2) Any question that may arise as to whether an elector shall, for the purpose of the proviso to sub-rule (1), be deemed to be present within the polling station before it is closed, shall be decided by the presiding officer whose decision shall be final.

54. Sealing of ballot boxes after poll.—(1) As soon as practicable after the closing of the poll, the presiding officer shall close to slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

(4) The foregoing provisions of this rule shall not apply at a polling station to the presiding officer of which the chief electoral officer has issued a direction asking him to proceed in accordance with sub-rule (5).

(5) At any such polling station, as soon as practicable after the close of poll, the presiding officer shall—

- (a) transfer all the ballot papers contained in the ballot box or boxes used at that polling station, without examining or counting them and with due regard to the secrecy of the ballot, into a cloth bag or cloth-lined cover after demonstrating to the polling agents present that the bag or cover is empty;
- (b) allow the polling agents present to inspect each ballot box and demonstrate to them that it has been emptied;
- (c) record on the bag or cover the name of the constituency, the name of the polling station and the date of the poll; and
- (d) seal the bag or cover and allow any polling agent present to affix his seal thereon.

55. Account of ballot papers.—The presiding officer shall at the close of the poll prepare a ballot paper account in Form 15 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

56. Sealing of other packets.—(1) The presiding officer shall then make into separate packets—

- (a) the marked copy of the electoral roll;
- (b) the unused ballot papers;
- (c) the cancelled ballot papers;
- (d) the cover containing the tendered ballot papers and the list in Form 14;
- (e) the list of challenged votes; and
- (f) any other papers directed by the chief electoral officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the presiding officer and of those polling agents present who may desire to affix their seals thereon.

57. Transmission of ballot boxes, etc. to the returning officer.—(1) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct,—

- (a) the ballot boxes or, as the case may be, the bags or covers referred to in rule 54;
- (b) the ballot paper account;
- (c) the sealed packets referred to in rule 56; and
- (d) all other papers used at the poll.

(2) The returning officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

58. Procedure on adjournment of poll.—(1) If the poll at any polling station is adjourned under rule 35, the provisions of rules 54 to 57 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 34.

(2) When a adjourned poll is recommenced under sub-rule (2) of rule 35, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held with the sealed packet containing the marked copy of the electoral roll and a new ballot box.

(4) The presiding officer shall open the sealed packet in the presence of such candidates or their polling agents as may be present and use the marked copy of the electoral roll for recording the serial numbers of ballot papers issued to electors at the adjourned poll.

(5) The provisions of rules 38 to 57 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

59. Voting by ballot at notified polling stations.—(1) Notwithstanding anything contained in the preceding provisions of this Chapter, the chief electoral officer may, by notification published in the official gazette at least 15 days before the date, or the first of the dates, of poll appointed for an election, direct that the method of voting by ballot shall be followed in that election at such polling stations as may be specified in the notification.

(2) Every such polling station is hereafter in these rules referred to as a “notified polling station”.

(3) The provisions of rules 38 to 58 shall apply in relation to every notified polling station subject to the following modifications, namely:—

(a) in lieu of rule 40, the following rule shall apply:—

“**40A.—Form of ballot paper.**—Every ballot paper shall be of such design as the chief electoral officer may decide”.

(b) in lieu of sub-rules (2) and (3) of rule 41 the following sub-rules shall apply:—

“(2) At each notified polling station there shall be set up one voting compartment in which the ballot boxes, one for each candidate, shall be placed for the reception of ballot papers during the the poll and which shall be so designed that an elector can insert a ballot paper in any of the ballot boxes without being observed by any person outside the compartment.

(3) The returning officer shall provide at each notified polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers and such other election materials as may be required for taking the poll.”;

(c) in lieu of sub-rules (5), (6) and (7) of rule 43, the following sub-rules shall apply:—

“(5) The symbol allotted to each candidate under rule 21 shall be printed on labels which shall be affixed both inside and outside the the ballot box and such ballot box shall thereafter be deemed to have been allotted to that candidate.

(6) Each ballot box shall also be marked with such other distinguishing marks as the Administrator may direct.

(7) Immediately before the commencement of the poll, the presiding officer shall allow inspection of each ballot box by the polling agents present and demonstrate to them that (a) it is empty (b) proper labels have been affixed both inside and outside the box the and (c) the ballot box is marked in accordance with sub-rule (6).

(8) After all the ballot boxes have been labelled, secured and sealed, they shall be placed in the voting compartment side by side in the same order in which the names of the candidates to whom they have respectively been allotted appear in the list of contesting candidates.”;

(d) in lieu of sub-rule (1) of rule 49; the following sub-rule shall apply:—

“(1) On receiving the ballot paper, the elector shall forthwith go into the voting compartment and insert the ballot paper through the slit into the box allotted to the candidate for whom he wishes to vote.”;

(e) in lieu of sub-rule (1) of rule 50, the following sub-rule shall apply:—

“(1) If owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot boxes or to insert the ballot paper into a ballot box, the presiding officer shall—

(a) enter the voting compartment with such elector;

(b) ascertain from him the name of the candidate for whom he wishes to vote; and

(c) insert the ballot paper into the ballot box of such candidate in accordance with the wishes ;

(d) of such elector.”;

(f) in lieu of rule 52, the following rules shall apply:—

“52A. *Tendered votes.*—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be supplied with a ballot paper in Form 16 (hereafter in these rules referred to as a “tendered ballot paper”).

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 14.

(3) Such person shall thereafter record on the tendered ballot paper the name of the candidate for whom he wishes to vote; but if owing to illiteracy, blindness, physical infirmity or any other reason he is unable to make such record, the presiding officer shall do so in accordance with his wishes.

(4) The procedure laid down in sub-rule (3) shall be followed with due regard to secrecy.

(5) Every such tendered ballot paper shall forthwith be placed in a cover specially kept for the purpose.

52B. *Presiding officer's entry into voting compartment during poll.*—(1)

The presiding officer may, whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the ballot boxes therein are not tampered or interfered with in any way.

(2) If the presiding officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with any ballot box or has remained inside the voting compartment unduly long, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

(3) Whenever the presiding officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him.

52C. Disposal of ballot papers found wholly or partly outside ballot boxes.—

(1) If any ballot paper which has been issued to an elector has not been inserted by him into any ballot box but is found anywhere in or near the polling station, whether within or outside the voting compartment it shall be deemed to have been returned to the presiding officer under sub-rule (2) of rule 51 and dealt with accordingly.

(2) If a ballot paper is found partly inserted into the ballot box of a candidate it shall be presumed that the intention of the elector was to cast that vote for that candidate and the presiding officer shall accordingly push the ballot paper into that ballot box.”;

(g) in lieu of rule 54, the following rule shall apply:—

54A. Sealing of ballot boxes after poll.—(1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of each ballot box and where the boxes do not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seals.

(2) All the ballot boxes shall thereafter be sealed and secured.”;

(h) in lieu of sub-rule (3) of rule 58, the following sub-rule shall apply:—

“(3) The returning officer shall provide the presiding officer of the ‘polling station at which such adjourned poll is held with the sealed packet containing the marked copy of the electoral roll and a set of new ballot boxes.

CHAPTER VI—COUNTING OF VOTES

60. Definitions.—In this Chapter, unless the context otherwise requires,—

(a) “candidate” means a contesting candidate;

(b) “counting agent” means a counting agent duly appointed under rule 27 and includes a candidate when present at the counting.

61. Time and place for counting of votes.—(1) Where a poll is taken, votes shall be counted by, or under the supervisions or direction of the returning officer, and each candidate and his counting agent shall have a right to be present at the time of counting.

(2) The returning officer shall, at least one week before the date, or the first of the dates, fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his polling agent:

Provided that if for any reason the returning officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his polling agent.

62. Admission to the place fixed for counting.—(1) The returning officer shall exclude from the place fixed for counting of votes all persons except—

(a) such persons as he may appoint to assist him in the counting;

(b) candidates their election agents and their counting agents;

- (c) persons authorised by the chief electoral officer; and
- (d) public servants on duty in connection with the election.

(2) No person who has been employed by or on behalf, of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The returning officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the returning officer may be removed from the place where the votes are being counted by the returning officer or by any police officer on duty or by any person authorised in this behalf by the returning officer.

63. Maintenance of secrecy of voting.—The returning officer shall, before he commences the counting, read out the provisions of rule 96 to such persons as may be present.

64. Scrutiny and opening of ballot boxes.—(1) The returning officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 36 in respect of that polling station.

65. Scrutiny and rejection of ballot papers.—(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The returning officer shall reject a ballot paper—

- (a) if it bears any mark or writing by which the elector can be identified; or
- (b) if no vote is recorded thereon; or
- (c) if votes are given on it in favour of more than one candidate; or
- (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or
- (e) if it is a spurious ballot paper; or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (g) if it bears a serial number, or is of a design, different from the serial numbers or, as the case may be, design of the ballot papers authorised for use at the particular polling station; or
- (h) if it does not bear the mark which it should have borne under the provisions of sub-rule (1) of rule 48;

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more

than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the returning officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The returning officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

66. Counting of votes.—(1) Every ballot paper which is not rejected under rule 65 shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(2) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the returning officer shall make the entries in a result sheet in Form 17 and announce the particulars.

(3) The valid ballot papers shall thereafter be bundled together and kept along with the bundle or rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—

(a) the name of the constituency;

(b) the particulars of the polling station where the ballot papers have been used; and

(c) the date of counting.

67. Counting of votes at notified polling stations.—In relation to the counting of ballot papers found in ballot boxes used at notified polling stations, rules 60 to 63 and, in lieu of rules 64, 65 and 66, the following rules shall apply namely:—

“64A. Scrutiny and opening of ballot boxes.—(1) All ballot boxes used at a notified polling station shall be opened at the same time, but every ballot box shall be dealt with in such manner that its contents do not get mixed up with the contents of any other ballot box.

(2) Subject to the provisions of sub-rule (1), the returning officer may have the ballot boxes used at more notified polling stations then one opened and their contents counted simultaneously.

(3) Before any ballot box is opened, the counting agents present shall be allowed to inspect the paper seal or any other seal that might have been affixed thereon and to satisfy themselves that it is intact.

(4) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(5) If the returning officer is satisfied that any of the ballot boxes has in fact been tampered with, he shall not count the ballot papers contained in any of the ballot boxes used at the polling station at which such box was used and shall proceed as laid down in rule 36 in respect of that polling station.

(6) After each ballot box is opened, the counting agents present shall be allowed to inspect the ballot box and satisfy themselves that it bears the proper symbol inside and has been duly marked in accordance with the provisions of sub-rule (6) of rule 43 as modified by clause (c) of sub-rule (3) of rule 59.

- (7) If any question arises as to the candidate to whom a particular ballot box was allotted at the poll, the returning officer shall decide such question by a reference to the symbol inside the box:

Provided that—

- (a) if there is no symbol inside the box; or
- (b) if the symbol inside the box has been damaged or mutilated beyond recognition; or
- (c) if the same symbol is found on two or more boxes used at the same polling station,

the returning officer, shall, wherever possible, decide the question by reference to all relevant circumstances including the distinguishing marks on the ballot box and where he does not consider it possible to decide the question, he shall immediately refer it to the chief electoral officer for his decision.

65A. *Scrutiny and rejection of ballot papers.*—(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

- (2) The returning officer shall reject a ballot paper—

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if it is a spurious ballot paper, or
- (c) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (d) if it bears a serial number, or is of a design, different from the serial numbers, or, as the case may be, design, of the ballot papers authorised for use at the particular polling station; or
- (e) if it does not bear the mark which it should have borne under the provisions of sub-rule (1) of rule 48:

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (d) or clause (e) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect.

- (3) Before rejecting any ballot paper under sub-rule (2), the returning officer shall allow the counting agents present a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.
- (4) The returning officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.
- (5) All ballot papers taken out of any one ballot box and rejected under this rule shall be made into a separate bundle.

66A. *Counting of ballot papers.*—(1) Every ballot paper which is not rejected under rule 65 A shall be deemed to be valid and shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted.

- (2) After the counting of ballot papers contained in all the ballot boxes used at a notified polling station has been completed, the returning officer shall make the entries in a result sheet in Form 17 and announce the particulars.

- (3) The valid ballot papers found in each ballot box shall thereafter be bundled together and kept along with the bundle of rejected ballot papers, if any, found in that box, in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—
 - (a) the name of the constituency;
 - (b) the particulars of the polling station where the ballot papers have been used;
 - (c) the name of the candidate to whom the ballot box was allotted; and
 - (d) the date of counting.
- (4) The returning officer shall then place together all the packets made up under sub-rule (3) in respect of each candidate in a separate container which shall be sealed and on which shall be recorded the following particulars, namely:—
 - (a) the name of the constituency;
 - (b) the name of the candidate; and
 - (c) the date of counting.”

68. Counting to be continuous.—The returning officer shall, as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

69. Recommencement of counting after fresh poll.—(1) If a fresh poll is held under rule 36, the returning officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 65 and 66 shall apply so far may be to such further counting.

70. Re-count of votes.—(1) After completion of the counting, the returning officer shall record in the result sheet in Form 17 the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or in his absence, his election agent, may apply, in writing to the returning officer for a re-count of all or any of the ballot papers already counted stating the grounds on which he demands such re-count.

(3) On such an application being made the returning officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or un-reasonable.

(4) Every decision of the returning officer under sub-rule (3) shall be in writing and contain the reasons therefor.

(5) If the returning officer decides under sub-rule (3) to allow an application either in whole or in part, he shall—

- (a) count the ballot papers again in accordance with his decision;
- (b) amend the result sheet in Form 17 to the extent necessary after such re-count; and
- (c) announce the amendments so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the returning officer shall complete

and sign the result sheet in Form 17 and no application for a re-count shall be entertained thereafter:

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

71. Equality of votes.—If an equality of votes is found to exist between candidates and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

72. Declaration of result of election.—The returning officer shall, subject to the provisions of rule 71 if and so far as they apply to the particular case, declare to be elected the candidate to whom the largest number of valid votes has been given, complete and certify the return of election in Form 18, and send signed copies thereof to the chief electoral officer and the Administrator.

73. Grant of certificate of election to returned candidate.—As soon as may be after a candidate has been declared by the returning officer under rule 72 to be elected, the returning officer shall grant to such candidate a certificate of election in Form 19 and obtain from the candidate an acknowledgment of its receipt duly signed by him and immediately send the acknowledgment to the Administrator.

74. Election to more than one seat.—If a person is elected to more than one seat, then unless within three days from the date of publication of the result of election under section 11, he resigns all but one of the seats by writing under his hand addressed to the Administrator, all the seats shall become vacant.

75. Custody of ballot boxes and papers relating to election.—(1) All ballot boxes used at an election shall be kept in such custody as the chief electoral officer may direct.

(2) The returning officer shall forward the packets of unused ballot papers, the packets of used ballot papers whether valid, tendered or rejected, and all other papers relating to the election to the chief electoral officer who shall keep the same in safe custody.

76. Production and inspection of election papers.—(1) While in the custody of the chief electoral officer—

(a) the packets of unused ballot papers;

(b) the packets of used ballot papers whether valid, tendered or rejected; and

(c) the packets of marked copy of the electoral roll;
shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court.

(2) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Administrator may direct.

(3) Copies of the returns by the returning officer forwarded under rule 72 shall be furnished by the chief electoral officer on payment of a fee of two rupees for each such copy.

77. Disposal of election papers.—Subject to any direction to the contrary given by a competent court, the packets and other papers referred to in sub-rule (2) of rule 75 shall be retained for a period of six months from the date of

publication of the result of election under section 11 and shall thereafter be destroyed:

Provided that if an election petition is filed in a competent court, the packets and other papers referred to in this rule shall not be destroyed unless the petition is finally disposed of.

PART IV—DISPUTES REGARDING ELECTIONS

CHAPTER I—INTERPRETATION

78. *Definitions.*—In this Part, unless the context otherwise requires,—

- (a) “candidate” means a person who has been or claims to have been duly nominated as a candidate at any election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;
- (b) “costs” means all costs, charges and expenses of, or incidental to, a trial of an election petition;
- (c) “court” means the court of the District Judge having jurisdiction in the area in which the constituency concerned is situated;
- (d) “electoral right” means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election;
- (e) “pleader” means any person entitled to appear and plead for another in a civil court and includes an advocate, a vakil and an attorney of a High Court;
- (f) “returned candidate” means a candidate who has been declared elected by the returning officer.

CHAPTER II—ELECTION PETITIONS

79. *Additional contents of petition.*—(1) Where the petition alleges any corrupt practice, an election petition shall in addition to complying with the provision of section 13, also set forth full particulars of that corrupt practice including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each corrupt practice and shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

80. *Petition to be dismissed.*—If the provisions of section 13 or rule 89 are not complied with, the court shall dismiss the petition:

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

81. *Procedure before the court.*—(1) As soon as the court receives the petition it shall serve on each respondent a notice in such form as it thinks fit directing the respondent to appear before the court and answer the claim made in the petition on a day to be specified therein.

(2) Any candidate not already a respondent shall, upon an application made by him to the court within fourteen days from the date of commencement of the trial and subject to the provision of rule 89 be entitled to be joined as a respondent.

82. Appearance before the court.—Any appearance, application or act before the court may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that it shall be open to the court to direct any party to appear in person whenever the court consider it necessary.

83. Powers of the court.—The court shall have the powers which are vested in a civil court when trying a suit in respect of the following matters:—

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses.

84. Documentary evidence.—Notwithstanding anything contained in any other law to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

85. Secrecy of voting not to be infringed.—No witness or other person shall be required to state for whom he has voted at an election.

86. Order as to costs.—The court may, while making an order under section 17, also fix thereby the total amount of costs payable:

Provided that where a petition is dismissed under clause (a) of sub-section (1) of that section, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the court shall make an order for costs in favour of the returned candidate.

87. Grounds on which an election may be called in question.—The election of a returned candidate may, besides being called in question on any one or more of the grounds specified in section 15, also be called in question on the ground:—

- (a) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent;
- (b) that the result of the election, in so far as it concerns a returned candidate, has been materially affected by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent or by any non-compliance with the provisions of the Act or these rules:

Provided that if in the opinion of the court, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the court is satisfied—

- (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;
- (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and
- (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents;

then, the court may decide that the election of the returned candidate is not void.

88. Communication of order to the Administrator and transmission of the records of the case.—The court shall, after announcing the order made by it under section 17 send a copy of the order and the records of the case to the Administrator.

89. Deposit of security.—(1) The petitioner shall enclose with the petition a Government Treasury receipt showing that a deposit of two hundred and fifty rupees has been made by him in a Government Treasury in favour of the Secretary to the Administrator in the appropriate department as security for the costs of the petition.

(2) No person shall be entitled to be joined as a respondent unless he has given such security for costs as the court may direct.

90. Costs.—Costs, including pleader's fee shall be in the discretion of the court and shall be paid out of the security deposit provided for in rule 89.

PART V—CORRUPT PRACTICES AND ELECTORAL OFFENCES

CHAPTER I—CORRUPT PRACTICES

91. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of these rules—

- (1) Bribery, as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (43 of 1951).
- (2) Undue influence, as defined in clause (2) of section 123 of the Representation of the People Act, 1951 (43 of 1951).
- (3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.
- (4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.
- (5) The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.
- (6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, for the conveyance of any elector other than the candidate himself, the members of his family or his agent to or from any polling station:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate’s election, from any person in the service of the Government and belonging to any of the following classes, namely:—

- (a) gazetted officers;
- (b) stipendiary judges and magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;
- (f) revenue officers including village accountants, such as, patwaris, lekhpals, talatis, karnams and the like, but excluding other village officers; and
- (g) such other class of persons in the service of the Government as may be notified by the Administrator.

Explanation.—(1) In this rule, the expression “agent” includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate’s election if he acts as an election agent or a polling agent or a counting agent of that candidate.

CHAPTER II—ELECTORAL OFFENCES

92. *Promoting enmity between classes in connection with election.*—Any person who in connection with an election under these rules promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with fine which may extend to one hundred rupees.

93. *Prohibition of public meetings on the day preceding the election day and on the election day.*—(1) No person shall convene, hold or attend any public meeting within any polling area within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that polling area.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

94. Disturbances at election meetings.—(1) Any person who at a public meeting to which this rule applies, acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called, shall be punishable with fine which may extend to one hundred rupees.

(2) This rule applies to any public meeting of a political character held in any constituency between the date of the issue of a Notification calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-rule (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

95. Restrictions on the printing of pamphlets, posters, etc.—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document to the district magistrate of the district in which it is printed.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly; and

(b) “election pamphlet or poster” means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with fine which may extend to one hundred rupees.

96. Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

97. Officers, etc. at elections not to act for candidates or to influence voting.—

(1) No person who is in the service of the Government whether or not connected with the conduct or management of the election, shall do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, shall endeavour—

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election; or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provision of sub-rule (1) or sub-rule (2) shall be punishable with fine which may extend to one hundred rupees.

98. Canvassing in or near polling stations.—(1) No person shall on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely:—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

99. Disorderly conduct in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or loudspeaker; or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof;

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule (1), and may seize any apparatus used for such contravention.

100. Penalty for misconduct at the polling station.—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with fine which may extend to one hundred rupees.

101. Penalty for illegal hiring or procuring of conveyances of elections.—If any person is guilty of any such corrupt practice as is specified in clause (6) of rule 91 at or in connection with an election, he shall be punishable with fine which may extend to one hundred rupees.

102. Breaches of official duty in connection with elections.—(1) If any person to whom this rule applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to one hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this rule applies are the returning officers, assistant returning officers, presiding officer, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations, or withdrawal of candidature, or the recording or counting of votes at an election; and the expression 'official duty' shall for the purposes of this rule be construed accordingly, but shall not include duties imposed otherwise than under these rules.

103. Removal of ballot papers from polling station.—(1) Any person who at any election fraudulently takes or attempts to take, a ballot paper out of polling station, or wilfully aids or abets the doing of any such act, shall be punishable with fine which may extend to one hundred rupees.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1), such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

104. Other offences.—(1) A person shall be guilty of an electoral offence if at any election he—

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the distinguishing mark on any ballot paper; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purpose of the election;

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this rule shall be punishable with fine which may extend to one hundred rupees.

PART—IV MISCELLANEOUS

105. *Casual vacancies in the Territorial Council.*—When the seat of a member elected to the Territorial Council becomes vacant or when his election to that Council is declared by the court of the district judge to be void but no order is made by that court declaring any other candidate to have been duly elected to that seat, the Administrator shall, by a Notification published in such manner as he thinks fit call upon the constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the Notification, and the provisions of these rules shall apply as far may be, in relation to the election of a member to fill such vacancy.

106. *Extension of time for completion of election.*—It shall be competent for the Administrator for reasons which he considers sufficient, to extend the time for the completion of any election by making necessary amendments in the Notification issued by him under rule 12.

107. *Staff of every local authority to be made available for election work.*—Every local authority in a Union Territory shall, when so requested by the chief electoral officer, make available to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.

FORM 1

PUBLIC NOTICE OF ELECTION

(See rule 13)

Election to the Territorial Council of..... from the.....constituency.

Notice is hereby given that—

- (1) an election is to be held of.....;
- (2) forms of nomination paper may be obtained at the offices of the officers specified in paragraph (6) between the hours of..... and..... from..... (date) to.....(date);
- (3) nomination papers may be delivered between the hours of 11 in the morning and 3 in the afternoon by a candidate or his proposer to any of the officers specified in paragraph (6) at his office on any day not later than the.....day of.....;
- (4) the nomination papers will be taken up for scrutiny at..... (hour) on..... (date) at..... (place) ;
- (5) notice of withdrawal of candidature may be delivered by a candidate or his proposer to any one of the officers specified in paragraph (6) at his office before 3 in the afternoon on.....;
- (6) nomination papers and notices of withdrawal may be delivered to the*..... at his office;

(7) in the event of the election being contested, the poll will take place on.....between the hours and.....

Date.....
Place.....

Returning Officer.

*Here insert the name and designation of the officer(s) to whom and the place at which the nomination papers and notice of withdrawal are to be delivered.

FORM 2
NOMINATION PAPER
[See rule 16 (1)]

Election to the Territorial Council of.....from the.....constituency.

(To be filled by the proposer)

I hereby nominate..... as a candidate for election from the.....Territorial Council constituency.

1. Full name of proposer.....
2. *Electoral roll number of proposer.....
3. Name of candidate's** father/husband.....
4. Full postal address of candidate.....
5. *Electoral roll number of candidate.....

Date.....

Signature of proposer.

(To be filled by the candidate)

1. I, the above-mentioned candidate, assent to this nomination and hereby declare:—

- (a) that I have completed.....years of age;
- (b) that the following are the symbols I have chosen in order of preference—

- (i)
- (ii); and
- (iii)

Date.....

Signature of candidate.

Further declaration to be made by a Scheduled Caste candidate.

I hereby declare that I am a member of the.....caste which is a Scheduled Caste in the Union Territory of

Signature of candidate.

*Here insert:—

- (i) the name of the Territorial Council constituency.
- (ii) the serial number of the part of the electoral roll in which the name of the proposer of the candidate, as the case may be, has been entered; and
- (iii) the serial number of the entry in that part.

Illustration.

Agartala Sadar III Territorial council constituency;

Part 3.

No. 267.

****Strike off the inappropriate alternative.**

(To be filled by the returning officer)

Serial No. of nomination papers.....

This nomination was delivered to me at my office at.....
(hours) on..... (date) by the ****candidate/proposer.**

Date.....

Returning Officer.

Decision of returning officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 19 of the Territorial Councils (Election of Members) Rules, 1962 and decide as follow:—

Date.....

Returning Officer.

RECEIPT FOR NOMINATION PAPER AND NOTICE OF SECURITY

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of..... a candidate for election from the..... Territorial Council constituency was delivered to me at my office at..... (hour) on..... (date) by the ****candidate/proposer.** All nomination papers will be taken up for scrutiny at..... (hour) on..... (date) at..... (place).

Date.....

Returning Officer.

****Strike off one of the alternatives as necessary.**

FORM 3

NOTICE OF NOMINATION

(See rule 18)

Election to the Territorial Council of..... from the.....constituency.

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. today:—

Serial number of nomination paper	Name of candidate	Name of *father/husband	Age of candidate	Address	Particulars of castes for candidates belonging to Scheduled Castes	Electoral roll number of candidate	Name of proposer	Electoral roll number of proposer
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Place.....

Returning Officer.

Date.....

*Strike off one of the alternatives as necessary.

FORM 4

LIST OF VALIDLY NOMINATED CANDIDATES

[See rule 19 (8)]

Election to the Territorial Council of..... from the.....constituency.

Serial Number	Name of candidate	Name of *father/husband	Address of candidate
1	2	3	4

Place.....

Returning Officer.

Date.....

*Strike off the inappropriate alternative.

FORM 5
NOTICE OF WITHDRAWAL
[See rule 20 (1)]

Election to the Territorial Council of..... from
the.....constituency.

To
The Returning Officer,
.....constituency.

I,..... a candidate nominated
at the above election do hereby give notice that I withdraw my candidature.

Place.....
Date.....

Signature of candidate.

This notice was delivered to me at my office at..... (hour)
on..... (date) by (name)
the*.....

Date..... *Returning Officer.*

RECEIPT FOR NOTICE OF WITHDRAWAL
(To be handed over to the person delivering the Notice)

The notice of withdrawal of candidature by....., a
candidate at the election to the Territorial Council of..... from
the..... constituency was delivered to me by
the*.....at my office at.....(hour)
on.....(date).

Returning Officer.

*Here insert one of the following alternatives as may be appropriate:—

- (1) Candidate.
- (2) Candidate's proposer who has been authorized in writing by the candidate to deliver it.

FORM 6
NOTICE OF WITHDRAWAL OF CANDIDATURES
[See rule 20 (3)]

Election to the Territorial Council of.....from
the.....constituency.

Notice is hereby given that the following candidate/candidates at the above
election withdrew his candidature/their candidatures today:—

Name of candidate 1	Address of candidate 2	Remarks 3
1.		
2.		
3.		
etc.		

Date..... *Returning Officer.*

*Strike off the inappropriate alternative.

FORM 7

LIST OF CONTESTING CANDIDATES

[See rule 21 (1)]

Election to the Territorial Council of.....from
the.....constituency.

Sl. No.	Name of candidate	Address of candidate	Symbol allotted
1	2	3	4

1.
2.
3.
4.
etc.

Place.....
Date.....

Returning Officer.

FORM 8

APPOINTMENT OF ELECTION AGENT

(See rule 23)

Election to the Territorial Council of.....from
the.....constituency.

To

The Returning Officer,

.....constituency.

I,..... of..... a candidate
at the above election, do hereby appoint..... of.....
as my election agent from this day at the above election.

Place.....
Date.....

Signature of candidate.

I accept the above appointment.

Place.....
Date.....

Signature of election agent.

FORM 9

REVOCATION OF APPOINTMENT OF ELECTION AGENT

[See rule 24 (1)]

Election to the Territorial Council of.....from
the.....constituency.

To

The Returning Officer,

.....constituency.

I,..... a candidate at the above election,
hereby revoke the appointment of..... my election agent.

Place.....
Date.....

Signature of candidate.

FORM 10

APPOINTMENT OF POLLING AGENT

[See rule 26 (1)]

Election to the Territorial Council of..... from
the.....constituency.

I,..... a *candidate/the election agent
of..... who is a candidate at the above election
do hereby appoint..... of.....
as a polling agent to attend polling station No.....at.....

Place.....

Date..... Signature of *candidate/election agent.

I agree to act as such polling agent.

Place.....

Date..... Signature of polling agent.

DECLARATION OF POLLING AGENT

(To be signed before Presiding Officer)

I hereby declare that at the above election I will not do anything forbidden
by rule 96† of the Territorial Councils (Election of Members) Rules, 1962, which
*I have read/has been read over to me.

Date.....

Signature of Polling Agent.

Signed before me.

Presiding Officer.

*Strike off the inappropriate alternative.

†Rule 96 of the Territorial Councils (Election of Members) Rules, 1962.

“96. *Maintenance of secrecy of voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.”

FORM 11
APPOINTMENT OF COUNTING AGENT

[See rule 27 (2)]

Election to the Territorial Council of.....from
the.....constituency.

To

The Returning Officer,
.....constituency.

I,.....*a candidate/the election agent
of..... who is a candidate at the above election,
do hereby appoint..... (name).....
of..... (address) as one of my counting
agents to attend the counting of votes at.....

*Signature of *Candidate/Election Agent.*

I agree to act as such counting agent.

Place.....

Date.....

Signature of Counting Agent.

DECLARATION OF COUNTING AGENT

(To be signed before the Returning Officer)

I hereby declare that at the above election I will not do anything forbidden
by rule 96† of the Territorial Councils (Election of Members) Rules, 1962 which
*I have read/has been read over to me.

Date.....

Signature of Counting Agent.

Signed before me.

Date.....

Returning Officer.

*Strike off the inappropriate alternative.

†Rule 96 of the Territorial Councils (Election of Members) Rules, 1962.

"96 Maintenance of secrecy of voting.—(1) Every officer, clerk, agent, or other person
who performs any duty in connection with the recording or counting of votes at an election
shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some
purpose authorised by or under any law) communicate to any person any information
calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with
fine which may extend to one hundred rupees."

FORM 12

REVOCATION OF APPOINTMENT OF COUNTING/POLLING AGENT

[See rule 28 (1)]

Election to the Territorial Council of.....from
the.....constituency.

To

*The Returning Officer/Presiding Officer,
.....constituency.

I,.....[the election agent of]
a candidate at the above election hereby revoke the appointment of.....
*my/*his counting/polling agent.

Place.....

Signature of person revoking.

Date.....

*Strike off one of the alternatives as necessary.

N.B.—Omit the words [] as necessary.

FORM 13

LIST OF CHALLENGED VOTES

[See rule 26 (2)(c)]

Election to the Territorial Council of.....from
the.....constituency.

Number and name of polling station.....

Serial number of entry	Name of elector	Serial number of		Signature or thumb impression of the person challenged	Address of the person challenged	Name of identifier, if any	Name of challenger	Order of presiding officer	Signature of challenger on receiving refund of deposit
		Part of roll	Elector's name in that part						

Date.....

Signature of Presiding Officer.

FORM 14

LIST OF TENDERED VOTES

[See rule 52 (2)]

Election to the Territorial Council of..... from
the.....constituency.

Number and name of polling station.....

Part number, serial number and name of elector	Address of elector	Serial number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5

Date.....

Signature of Presiding Officer.

FORM 15

PART—I BALLOT PAPER ACCOUNT

(See rule 55)

Election to the Territorial Council of..... from
the..... constituency.

Number and name of polling station.....

	Serial number	Total number
1. Ballot papers received		
2. Ballot papers not used		
3. Ballot papers issued to voters		
4. Ballot papers cancelled		
5. Number of tendered votes cast at the polling station.		

Date.....

Signature of Presiding Officer.

PART—II RESULT OF COUNTING

Name of candidate	Number of valid votes cast
1.....
2.....
3.....
4..... etc.
Rejected ballot papers
Total No. of ballot papers found in the ballot box(es).

Signature of the counting Supervisor

Date.....

Signature of the Returning Officer.

FORM 17

RESULT SHEET

(See rule 67)

(To be used for recording the result of voting at notified polling stations)

Election to the Territorial Council of..... from
the.....constituency.

Polling Station		Number of ballot papers found in the ballot box of								Total for polling station			Number of tendered votes
Serial No.	Name	A		B		C		D					
		Valid	Rejected	Valid	Rejected	Valid	Rejected	Valid	Rejected	Valid	Rejected	Total	

Total..

Total valid votes polled by

A

B

C

D

Total

Place.....

Date.....

Returning Officer.

FORM 18
RETURN OF ELECTION
(See rule 72)

Election to the Territorial Council of..... from
the.....constituency.

Serial No.	Name of candidate	Number of valid votes polled
1		
2		
3		
4		

Total number of valid votes polled.....
Total number of rejected votes.....
Total number of tendered votes.....

I declare that.....(name) of.....
(address) has been duly elected to fill the seat.

Place.....

Returning Officer.

Date.....

FORM 19
CERTIFICATE OF ELECTION
(See rule 73)

I, Returning Officer for the..... Territorial
Council constituency in the Union Territory of..... hereby
certify that I have on the..... day of19.....
declared Shri..... of.....
to have been duly elected by the said constituency to be a member of the
Territorial Council and that in token thereof I have granted to him this certificate
of election.

Place.....

Date.....

Returning Officer,
for the..... Territorial
Council constituency.

Seal.

[F. 26/2/61-SR (R)]

HARI SHARMA,
Additional Secretary.

